

Article - Natural Resources

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§5–902.

(a) The General Assembly declares that there is need for a program to make funds available to State agencies and any subdivision to:

(1) Expedite acquisition of outdoor recreation and open space areas before escalating cost of land prevents its purchase for public use and before potential areas are devoted to some other use; and

(2) Accelerate development and capital renewal of needed outdoor recreation facilities, including the provision of public access to the facilities.

(b) This program is known as Program Open Space and carries out the recommendations of the 1968 Legislative Council committee on recreational areas. By enacting this program, the General Assembly intends to provide funds to the State and its subdivisions to enable them to acquire land for outdoor public recreation and open space use and develop and provide public access to the land for public recreation.

(c) (1) To effectuate the purposes of this section, the General Assembly has established a transfer tax funding program under Title 13, Subtitle 2 of the Tax – Property Article.

(2) In addition to or in lieu of the funding under paragraph (1) of this subsection, Program Open Space funding may be provided in the State Consolidated Capital Bond Funding Program or in a separate bond enabling act.

(3) In any fiscal year for which funding for Program Open Space is provided through the State Consolidated Capital Bond Funding Program or other bond enabling act, except as otherwise expressly provided under the bond enabling act through which the funding is provided:

(i) The debt allocations shall be provided to the Department of Natural Resources and the Department shall allocate funds among local governing bodies according to the apportionment formula described in § 5–903 of this subtitle; and

(ii) For fiscal years 2011 through 2013 only, the allocations provided under § 5–903 of this subtitle of the funds distributed to Program Open Space under § 13–209 of the Tax – Property Article shall be adjusted to reduce the

amount that would otherwise be allocated for any purpose by the amount of funding provided for that purpose under the bond enabling act.

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